

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRIAN K. REINBOLD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-47-GMS
	:	
UNITED STATES POSTAL SERVICE,	:	
and NALC LOCAL 191,	:	
	:	
Defendant.	:	

**MOTION FOR ENLARGEMENT OF
TIME TO RESPOND TO COMPLAINT**

The United States Postal Service, through the undersigned, hereby moves the Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for an enlargement of time in which to file a response to the Complaint in the captioned matter, and in support thereof avers as follows;

1. The Complaint was filed on January 28, 2005, and served on the office of the United States Attorney for the District of Delaware on February 3, 2005.
2. The undersigned was unable to confirm service of the Complaint on the Attorney General of the United States, as required by Rule 4 of the Federal Rules of Civil Procedure.
3. By February 15, 2005, when no proof of service on the Attorney General had been filed, and still unable independently to confirm such service, the undersigned wrote to Plaintiff at the address provided in the Complaint (a post office box), explained that service appeared to be ineffective, and informed Plaintiff exactly what steps needed to be taken to perfect service.
4. No response was received from Plaintiff.

5. On Tuesday, April 12, 2005, approaching sixty days from the February 15 correspondence, the undersigned checked the Court's docket and discovered for the first time that on March 10, 2005, Plaintiff had filed proof of service on the Attorney General effective on February 4. Thus, a response to the Complaint was due to be filed on or before April 5, 2005.

6. The undersigned immediately attempted to contact Plaintiff by telephone to request his agreement to a stipulation to extend the time for the United States Postal Service to file a response to the Complaint, by calling him at the telephone number listed in the telephone directory. That number has been disconnected and no further information is available.

7. Rather than take the time to attempt once again to reach Plaintiff by mail to ascertain his willingness to enter in to such a stipulation, the undersigned thought it best to bring this matter to the Court's attention as soon as possible.

8. The Postal Service's response to the Complaint is ready to be filed immediately upon approval by the Court of this motion. A copy of the proposed Answer is attached as Exhibit A.

9. Counsel for Co-defendant NALC Local 191 has no objection to the instant motion.

10. As shown above, the undersigned avers that she has made a reasonable effort to reach agreement with Plaintiff on the matters set forth herein, as required by LR 7.1.1.

11. The undersigned regrets the inconvenience to the Court, counsel and Plaintiff.

WHEREFORE, the United States Postal Service requests the Court to extend the date by which it may respond to Plaintiff's Complaint until two business days following the date the Court grants the instant motion.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
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Dated: April 13, 2005

IT IS SO ORDERED this _____ day of _____, 2005.

HONORABLE GREGORY M. SLEET
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on **April 13, 2005**, I electronically filed a **MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT** with the Clerk of Court using CM/ECF. Notification of such filing will be mailed to the following:

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Wilmington, DE 19805
Pro Se

COLM F. CONNOLLY
United States Attorney

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